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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,843	01/28/2005	Zheng Lu	LCS-102/PCT/US	9346
31217 7590 03/11/2008 LOCTITE CORPORATION 1001 TROUT BROOK CROSSING ROCKY HILL, CT 06067				
EXAMINER				
PENG, KUO LIANG				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
03/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,843

**Applicant(s)**

LU ET AL.

**Examiner**

Kuo-Liang Peng

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/10/07 Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 14, 16, 18-27, 29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 16, 18-27, 29 and 31-37 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 14, 31, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Applicants' amendment filed December 10, 2007 is acknowledged. Claims 6-13, 15, 17, 28 and 30 are deleted. Claims 1, 14 and 29 are amended. Claims 31-37 are added. Now, Claims 1-5, 14, 16, 18-27, 29 and 31-37 are pending.
2. Claim objection(s) in the previous Office Action (Paper No. 090107) is/are removed.
3. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 090107) is/are removed.
4. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 33 (line 4), it is not clear as to what “0.009-0.008-0.1” refers to.

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 32 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Examiner cannot find the basis for “0.009-**0.013**” and the basis for “**weight percent**”. (Emphasis added)

*Claim Rejections - 35 USC § 103*

9. Claims 1, 5, 16, 18-27, 29 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkac (US 6 329 060).

For Claims 1, 18-21, 23 and 34, Barkac discloses an **aqueous** coating composition comprising a mixture of (1) a reaction product of polymerizable, ethylenically unsaturated monomers, (2) a hydrophobic polymer which is different from (1), and (3) a hydrophobic crosslinking agent. The component (3) can be a **triazine** material in an effective amount to promote the film formation. (col. 3, lines 17-42, col. 11, lines 24-43, col. 12, lines 24-40) The composition can further contain adjuvant materials such as **hydroxyl** functional group-containing polysiloxanes, **amine** functional group-containing polysiloxanes or carboxy-functional polysiloxanes in an amount described in col. 20, lines 39-59. Since the hydroxyl functional group-containing polysiloxanes, the amine functional group-containing polysiloxanes and the carboxy-functional polysiloxanes can be used as adjuvant materials, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate adjuvant materials containing these polysiloxanes with expected success. Court held, "[i]t is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same

purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art." *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980) Applicants are reminded that "a mold surface" and the preamble "mold release agent" are merely intended uses, and do not carry any weight of patentability. See MPEP 2111.02. Notably, the composition is substantially devoid of VOCs and free of flash point. The composition can contain wetting agents and emulsifying agents. (col. 4, lines 19-26) Barkac is silent on the HLB values thereof. However, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize wetting agent and emulsifying agents having whatever HLB values through routine experimentation in order to afford a composition with desired stability. For Claim 5, the pH of the composition should fall within the claimed range because the pH values of all ingredients are within this range. For Claims 16, 22, 24, 25, 26, 27 and 29, since the composition reads on the claimed one, it should possess the properties/characteristics set forth in the instant claims.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barkac as applied to Claim 1 above, and further in view of Wilt (US 5 916 992).

Barkac discloses an **aqueous** coating composition, supra, which is incorporated herein by reference. Barkac further teaches that the polysiloxane can be the ones taught in Wilt (col. 20, lines 48-59) Thus, Wilt discloses a hydroxyl-functional polysiloxane represented by formulae (II) and (III) where the n, m and m' are described in col. 2, lines 5-49, which has a molecular weight falling within the claimed range. Wilt is silent on an amine-functional polysiloxane. However, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize an amine-functional polysiloxane having a similar molecular weight as the hydroxyl-functional polysiloxane in Barkac's composition because Barkac teaches both the hydroxyl-functional polysiloxane and the amine-functional polysiloxane should have the same properties. (col. 20, lines 48-59)

11. Claims 3-4, 14, 31 and 36-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 32-33 and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph and/or second paragraph, set forth

in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck, can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 1796

klp

March 3, 2008

/Kuo-Liang Peng/

Primary Examiner, Art Unit 1796